

ORIGINAL

Before the
Federal Communications Commission
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments) MB Docket No. 02-136
FM Broadcast Stations) RM-10458
(Arlington, The Dalles, Moro, Fossil, Astoria,) RM-10663
Gladstone, Portland, Tillamook,) RM-10667
Springfield-Eugene, Coos Bay, Manzanita) RM-10668
and Hermiston, Oregon, and)
Covington, Trout Lake, Shoreline, Bellingham,)
Forks, Hoquiam, Aberdeen, Walla Walla,)
Kent, College Place, Long Beach and)
Ilwaco, Washington))

To: Office of the Secretary
Attn: Chief, Media Bureau

RECEIVED

JUN 17 2005

Federal Communications Commission
Office of Secretary

ERRATUM TO SUPPLEMENT

On June 16, 2005, Mid-Columbia Broadcasting, Inc., licensee of Station KMCQ(FM), The Dallas, Oregon and First Broadcasting Investment Partners, LLC, by their respective counsel, submitted a *Supplement* which reported the issuance of a construction permit for a new FM Station at Condon, OR on Ch 228C1. The *Supplement* indicated that the permit was attached as an exhibit. However, the exhibit was inadvertently omitted from the filing. In addition, the Technical Narrative of du Treil, Lundin & Rackley, Inc. and a map (Figure 1) depicting the coverage of the Condon authorization were also inadvertently omitted.


This filing serves to resubmit the Supplement containing the exhibit and Technical Narrative.

No. of Copies 0+4
List ABOVE

Respectfully submitted,

MID-COLUMBIA BROADCASTING, INC.

By:

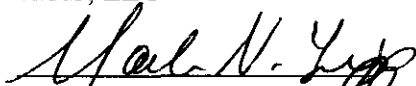

J. Dominic Monahan (by HNC)
Luvaas Cobb Richards & Fraser, PC
777 High Street
Suite 300
Eugene, OR 97401
(541) 484-9292

Its Counsel

June 17, 2005

FIRST BROADCASTING INVESTMENT
PARTNERS, LLC

By:


Mark N. Lipp
Scott Woodworth
Vinson & Elkins, LLP
1455 Pennsylvania Avenue, NW
Suite 600
Washington, DC 20004
(202) 639-6500

Its Counsel

STAMP & RETURN

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments) MB Docket No. 02-136
FM Broadcast Stations) RM-10458
(Arlington, The Dalles, Moro, Fossil, Astoria,) RM-10663
Gladstone, Portland, Tillamook,) RM-10667
Springfield-Eugene, Coos Bay, Manzanita) RM-10668
and Hermiston, Oregon, and)
Covington, Trout Lake, Shoreline, Bellingham,)
Forks, Hoquiam, Aberdeen, Walla Walla,)
Kent, College Place, Long Beach and)
Ilwaco, Washington))

To: Office of the Secretary
Attn: Chief, Media Bureau

RECEIVED
JUN 16 2005
Federal Communications Commission
Office of Secretary

SUPPLEMENT

Mid-Columbia Broadcasting, Inc. ("Mid-Columbia"), licensee of Station KMCQ(FM), The Dalles, Oregon, and First Broadcasting Investment Partners, LLC ("First Broadcasting"), by their respective counsel, hereby submit the following Supplement in the above-captioned proceeding.¹

1. Triple Bogey LLC, MMC Radio, LLC, and KDUX Acquisition, LLC (collectively, "Triple Bogey"), in a December 1, 2004 Motion for Leave to File Supplement (the "Motion") asked the Commission to apply retroactively a new aural service backfill policy asserted by the Media Bureau almost five months after the *Report and Order* was issued in this

¹ Pursuant to Section 1.429(d) of the Commission's Rules, Mid-Columbia and First Broadcasting, are contemporaneously filing a Motion to Accept this Supplement.

proceeding.² In its Motion, Triple Bogey claims that Mid-Columbia's proposal at issue in this proceeding is defective because it proposes to fill white area with a vacant FM allotment. First Broadcasting and Mid-Columbia, in a December 15, 2004 Opposition, raised a number of procedural infirmities with Triple Bogey's Motion, and First Broadcasting and Mid-Columbia still assert that Triple Bogey's Motion is procedurally defective. However, a recent development renders Triple Bogey's proposed application of *Sells* to this proceeding moot. Specifically, on June 9, 2005, the Commission issued a construction permit for a new FM station at Condon, Oregon on Channel 228C1. *See* Exhibit 1.³ As the attached engineering exhibit demonstrates, this new FM station covers all of the white area created as a result of Mid-Columbia's proposal. *See* attached Technical Narrative.

2. The permit for Condon, Oregon did not exist when the *Report and Order* in this proceeding was issued. It is appropriate for the Commission to consider circumstances that did not exist when the original decision was made. *See e.g., Greenup, Kentucky*, 4 FCC Rcd 3843, ¶ 11 (1989). In the *Greenup* proceeding, the licensee of Station WXTQ-FM filed a proposal to change the channel of the Station. The Mass Media Bureau initially denied this proposal because it was mutually exclusive with another proposal that better served the public interest. However after the Mass Media Bureau released its first Order, an existing FM station was relocated. As a result of this move, the gain area associated with the proposal for WXTQ-FM covered grey area and thus would serve the public interest better than the mutually exclusive proposal. In consideration of this changed circumstance, the Bureau reversed its initial Order and granted the Station WXTQ-FM channel change.

² *See Amendment of Section 73.202(b) FM Table of Allotments, FM Broadcast Stations (Sells, Arizona)*, Report and Order, MB Docket No. 02-376, 19 FCC Rcd 22459 (rel. Nov. 22, 2004) ("*Sells*"), *petition for recon. pending*.

³ This new FM construction permit was awarded to NT Radio, L.L.C. as the winning bidder for the channel in FM Auction 37.

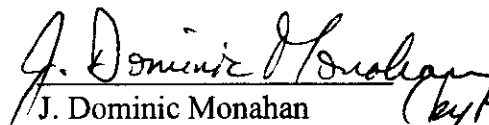
3. The Commission is faced with an analogous situation here. If the Commission applies retroactively the new aural service backfill policy in *Sells* to Mid-Columbia's proposal in this proceeding, then the Commission must consider the new FM permit at Condon, Oregon because it completely solves this issue and alleviates any concern regarding white area.

WHEREFORE, for the foregoing reasons, the Commission should dismiss Triple Bogey's Motion as moot.

Respectfully submitted,

MID-COLUMBIA BROADCASTING,
INC.

By:

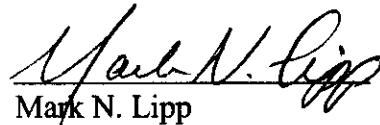

J. Dominic Monahan
Luvaas Cobb Richards & Fraser, PC
777 High Street
Suite 300
Eugene, OR 97401
(541) 484-9292

Its Counsel

June 16, 2005

FIRST BROADCASTING INVESTMENT
PARTNERS, LLC

By:


Mark N. Lipp
Scott Woodworth
Vinson & Elkins, LLP
1455 Pennsylvania Avenue, NW
Suite 600
Washington, DC 20004
(202) 639-6500

Its Counsel

EXHIBIT 1

United States of America
FEDERAL COMMUNICATIONS COMMISSION
FM BROADCAST STATION CONSTRUCTION PERMIT

Authorizing Official:

Official Mailing Address:

NT RADIO, LLC
750 NORTH SAINT PAUL
10TH FLOOR
DALLAS TX 75201

Rodolfo F. Bonacci
Assistant Chief
Audio Division
Media Bureau

Facility ID: 164221

Grant Date: June 09, 2005

Call Sign: NEW

This permit expires 3:00 a.m.
local time, 36 months after the
grant date specified above.

Permit File Number: BNPB-20041214AFN

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

Commission rules which became effective on February 16, 1999, have a bearing on this construction permit. See Report & Order, Streamlining of Mass Media Applications, MM Docket No. 98-43, 13 FCC RCD 23056, Para. 77-90 (November 25, 1998); 63 Fed. Reg. 70039 (December 18, 1998). Pursuant to these rules, this construction permit will be subject to automatic forfeiture unless construction is complete and an application for license to cover is filed prior to expiration. See Section 73.3598.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Name of Permittee: NT RADIO, LLC

Station Location: OR-CONDON

Frequency (MHz): 93.5

Channel: 228

Class: C1

Hours of Operation: Unlimited

Callsign: NEW

Permit No.: BNPH-20041214AFN

Transmitter: Type Accepted. See Sections 73.1660, 73.1665 and 73.1670 of the Commission's Rules.

Transmitter output power: As required to achieve authorized ERP.

Antenna type: Directional

Antenna Coordinates: North Latitude: 45 deg 15 min 29 sec

West Longitude: 120 deg 17 min 11 sec

	Horizontally Polarized Antenna	Vertically Polarized Antenna
Effective radiated power in the Horizontal Plane (kW):	100	100
Height of radiation center above ground (Meters):	80	80
Height of radiation center above mean sea level (Meters):	1068	1068
Height of radiation center above average terrain (Meters):	288	288
Antenna structure registration number: 1035486		
Overall height of antenna structure above ground (including obstruction lighting if any) see the registration for this antenna structure.		

Special operating conditions or restrictions:

- 1 The grant of this permit is conditioned on the final outcome of MB Docket No. 05-8. The final outcome of that proceeding may require the applicant to change frequency, class, or site location. Accordingly, any construction undertaken pursuant to this permit is at the permittee's sole risk. See Meridian Communications, 2 FCC Rcd 5904 (Rev. Bd. 1987).
- 2 The grant of this permit is conditioned on the final outcome of MB Docket No. 05-9. The final outcome of that proceeding may require the applicant to change frequency, class, or site location. Accordingly, any construction undertaken pursuant to this permit is at the permittee's sole risk. See Meridian Communications, 2 FCC Rcd 5904 (Rev. Bd. 1987).
- 3 The grant of this permit is conditioned on the final outcome of MB Docket No. 05-10. The final outcome of that proceeding may require the applicant to change frequency, class, or site location. Accordingly, any construction undertaken pursuant to this permit is at the permittee's sole risk. See Meridian Communications, 2 FCC Rcd 5904 (Rev. Bd. 1987).
- 4 The grant of this permit is conditioned on the final outcome of MM Docket No. 00-87. The final outcome of that proceeding may require the applicant to change frequency, class, or site location. Accordingly, any construction undertaken pursuant to this permit is at the permittee's sole risk. See Meridian Communications, 2 FCC Rcd 5904 (Rev. Bd. 1987).

Special operating conditions or restrictions:

- 5 The permittee/licensee in coordination with other users of the site must reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic fields in excess of FCC guidelines.
- 6 Permittee has specified use of the antenna listed below to demonstrate compliance with the FCC radiofrequency electromagnetic field exposure guidelines. If any other type or size of antenna is to be used with the facilities authorized herein, THE AUTOMATIC PROGRAM TEST PROVISIONS OF 47 C.F.R. SECTION 73.1620 WILL NOT APPLY. In this case, a FORMAL REQUEST FOR PROGRAM TEST AUTHORITY must be filed in conjunction with FCC Form 302-FM, application for license, BEFORE program tests will be authorized. This request should be made at least 10 days prior to the date on which program tests are desired to commence. The request must include a revised RF field showing to demonstrate continued compliance with the FCC guidelines.

Documentation demonstrating compliance with the FCC radiofrequency field exposure guidelines may be submitted in advance of the filing of FCC Form 302-FM. The Commission's staff will review it for compliance and respond by letter stating whether automatic PTA has been reinstated.

EPA Type 3, 6 sections

- 7 ***** This is a Section 73.215 contour protection grant *****
***** as requested by this applicant *****

- 8 Pursuant to the grant of this construction permit and the authority found in Sections 4(i), 5(c)(1), 303 and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b), 0.283, 1.420, 73.203(b), and 73.3573 of the Commission's Rules, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED as follows:

Community	Channel No.
Condon, OR	Add 228C1, Delete 228A

- 9 BEFORE PROGRAM TESTS ARE AUTHORIZED, permittee shall submit the results of a complete proof-of-performance to establish the horizontal plane radiation patterns for both the horizontally and vertically polarized radiation components. This proof-of-performance may be accomplished using the complete full size antenna, or individual bays therefrom, mounted on a supporting structure of identical dimensions and configuration as the proposed structure, including all braces, ladders, conduits, coaxial lines, and other appurtenances; or using a carefully manufactured scale model of the entire antenna, or individual bays therefrom, mounted on an equally scaled model of the proposed supporting structure, including all appurtenances. Engineering exhibits should include a description of the antenna testing facilities and equipment employed, including appropriate photographs or sketches and a description of the testing procedures, including scale factor, measurements frequency, and equipment calibration.

Special operating conditions or restrictions:

- 10 BEFORE PROGRAM TESTS ARE AUTHORIZED, permittee shall submit an affidavit from a licensed surveyor to establish that the directional antenna has been oriented at the proper azimuth.
- 11 BEFORE PROGRAM TESTS ARE AUTHORIZED, permittee/licensee shall submit an affidavit that the installation of the directional antenna system was overseen by a qualified engineer. This affidavit shall include a certification by the engineer that the antenna was installed pursuant to the manufacturer's instructions and list the qualifications of the certifying engineer.
- 12 The relative field strength of neither the measured horizontally nor vertically polarized radiation component shall exceed at any azimuth the value indicated on the composite radiation pattern authorized by this construction permit.

A relative field strength of 1.0 on the composite radiation pattern herein authorized corresponds to the following effective radiated power:

100.0 kilowatts.

Principal minima and their associated field strength limits:

20 degrees True: 20.0 kilowatts

*** END OF AUTHORIZATION ***

TECHNICAL EXHIBIT
IN SUPPORT OF SUPPLEMENTAL COMMENTS
IN THE REPORT AND ORDER IN
MB DOCKET NO. 02-136
AMENDMENT OF SECTION 73.202(b), TABLE OF FM ALLOTMENTS
THE DALLES, OREGON AND COVINGTON, WASHINGTON

Technical Narrative

This technical exhibit has been prepared on behalf of FM station KMCQ, channel 283C, The Dalles, Oregon and First Broadcasting Investment Partners, LLC in support of supplemental comments in the Report and Order in MB Docket No. 02-136 (herein "Report and Order").

The Report and Order reallocated KMCQ from The Dalles, Oregon to Covington, Washington on channel 283C3. In a Motion for Leave to Supplement Reply to Oppositions of Joint Petitioners and Supplement filed in this proceeding by Triple Bogey, LLC, MCC Radio, LLC and KDUX Acquisition, LLC (collectively "Triple Bogey") it is alleged that the reallocation of KMCQ from The Dalles to Covington will create populated white area.

The purpose of this technical exhibit is to demonstrate that the recent authorization of channel 228C1 at Condon, Oregon (BNPH-20041214AFN) will eliminate the white area alleged by Triple Bogey. Figure 1, attached, depicts the white area alleged by Triple Bogey. Also depicted is the 60 dBu contour for the authorized Condon channel 228C1 operation.¹ As indicated, the authorized Condon channel 228C1 60 dBu contour will encompass 100% of the white area alleged by Triple Bogey.

¹ The Condon 60 dBu contour location was determined in accordance with 73.313, except that uniform terrain and maximum Class C1 facilities were presumed.

The attached technical statement has been prepared by or under the direct supervision of W. Jeffrey Reynolds, technical consultant with the firm of du Treil, Lundin and Rackley, Inc., a telecommunications consulting firm located in Sarasota, Florida, who states that his qualifications are a matter of record with the Federal Communications Commission, having been presented on previous occasions. All data and statements contained herein are true and correct to the best of his knowledge and belief.

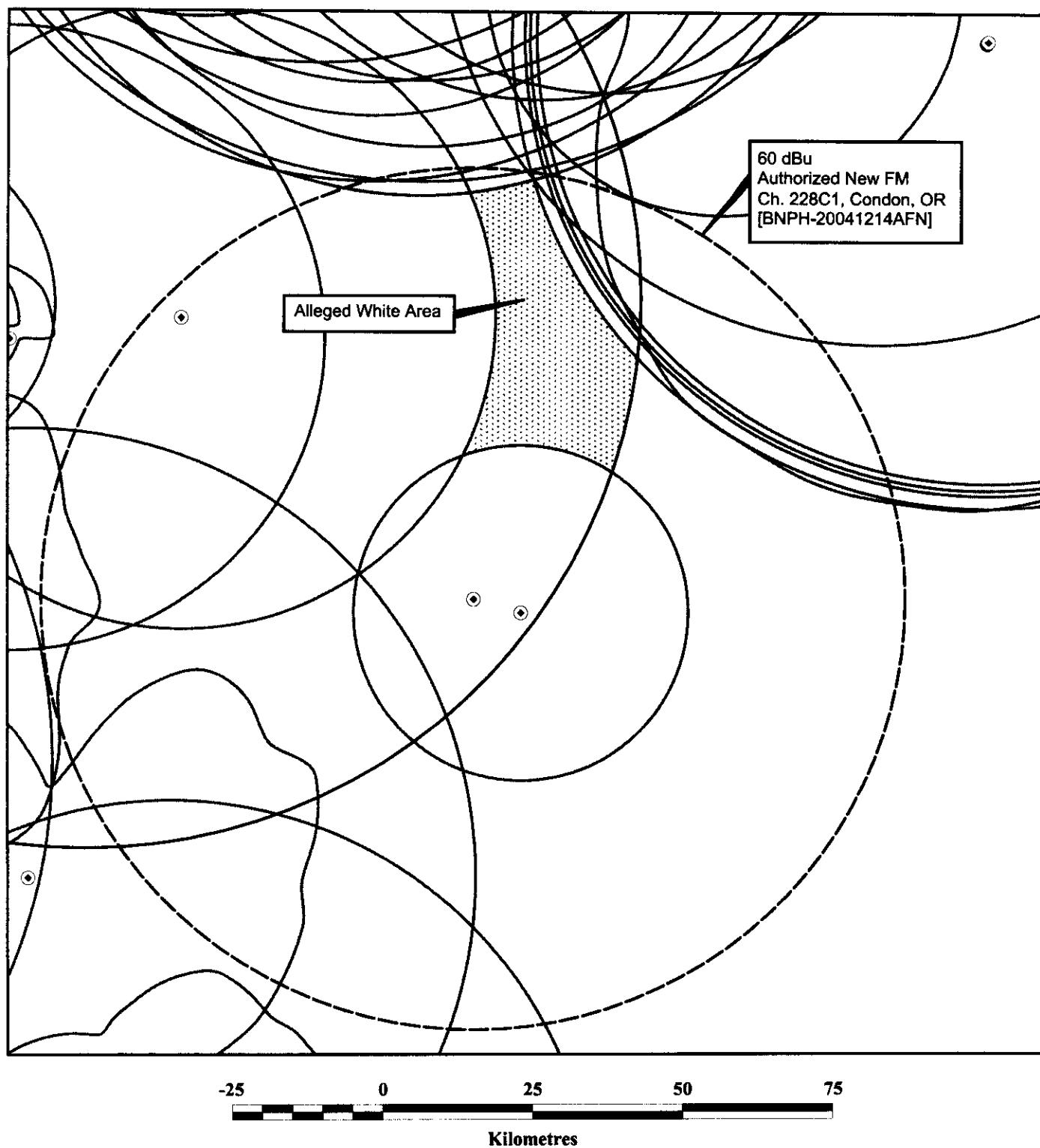


W. Jeffrey Reynolds

du Treil, Lundin & Rackley, Inc.
201 Fletcher Avenue
Sarasota, Florida 34237
(941) 329-6000
JEFF@DLR.COM

June 13, 2005

Figure 1



OTHER AVAILABLE SERVICES TO THE KMCQ LOSS AREA

du Treil, Lundin & Rackley, Inc. Sarasota, Florida

CERTIFICATE OF SERVICE

I, Giselle Abreu, in the law firm of Vinson & Elkins, do hereby certify that I have on this 16th day of June, 2005 caused to be mailed by first class mail, postage prepaid, copies of the foregoing "Supplement" to the following:

* Robert Hayne, Esq.
Federal Communications Commission
236 Massachusetts Avenue, NE
Suite 110
Washington, DC 20002

Rod Smith
13502 NE 78th Circle
Vancouver, WA 98682-3309

Merle E. Dowd
9105 Fortuna Drive
8415
Mercer Island, WA 98040

Robert Casserd
4735 N.E. 4th Street
Renton, WA 98059

Chris Goelz
8836 SE 60th Street
Mercer Island, WA 98040

Matthew H. McCormick, Esq.
Reddy, Begley & McCormick
1156 15th Street, NW, Suite 610
Washington, DC 20005-1770
(*Counsel to Triple Bogey, LLC et al.*)

Harry F. Cole, Esq.
Liliana E. Ward, Esq.
Fletcher Heald & Hildreth
1300 N. 17th Street
11th Floor
Arlington, VA 22209
(*Counsel to CHRISTA Ministries, Inc.*)

M. Anne Swanson, Esq.
Nam E. Kim, Esq.
Dow Lohnes & Albertson, PLLC
1200 New Hampshire Avenue, NW
Suite 800
Washington, DC 20036
(*Counsel to New Northwest Broadcasters LLC*)

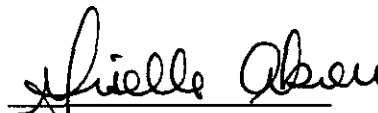
Howard J. Barr, Esq.
Womble Carlyle Sandridge & Rice, PLLC
1401 Eye Street, NW
7th Floor
Washington, DC 20005
(*Counsel to Mercer Island School District et al.*)

City of Gig Harbor
3105 Judson Street
Gig Harbor, WA 98335

Dennis J. Kelly, Esq.
Law Office of Dennis J. Kelly
P.O. Box 41177
Washington, DC 20018
(*Counsel to Two Hearts Communications LLC*)

Cary S. Tepper, Esq.
Booth Freret Imlay & Tepper, P.C.
7900 Wisconsin Avenue, NW
Suite 304
Bethesda, MD 20814-3628
(*Counsel to Bay Cities Building Company, Inc.*)

Gary S. Smithwick, Esq.
Smithwick & Belendiuk, P.C.
5028 Wisconsin Ave., N.W.
Suite 301
Washington, D.C. 20016
(*Counsel to Saga Broadcasting, LLC*)


Giselle Abreu

* Hand-delivered

404033_1.DOC